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FM AMEMBASSY MANILA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4833  
INFO RUEHNH/AMCONSUL NAHA IMMEDIATE 0082  
RHEHNSC/NSC WASHDC IMMEDIATE  
RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE  
RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE  
RUEKJCS/SECDEF WASHDC IMMEDIATE

UNCLAS MANILA 000239

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E.O. 12958: N/A

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SUBJECT: MARINE CASE UPDATE 01/19/07

REF: MANILA 121 AND PREVIOUS

¶1. (U) Lance Corporal Daniel J. Smith, back in U.S. custody on Chancery grounds since December 29, continues to be in good health and spirits. He continues to receive visits regularly from his Philippine pastors and his lawyers.

¶2. (U) Approximately 80 anti-VFA protesters calling themselves the "League of Filipino Students" demonstrated in front of the U.S. Embassy January 17. Because the demonstrators lacked a permit, the police moved them to a nearby park, resulting in a scuffle. Several people were reportedly injured, but none severely.

¶3. (U) Media coverage of the case has significantly decreased but some national TV and press stories or commentary continue to appear daily.

¶4. (U) Pursuant to the Private Prosecutor's petition to the Supreme Court that it nullify the Philippine government's transfer of Smith to U.S. custody and declare Article V paragraph 6 of the VFA "unconstitutional," the Supreme Court ordered the President's office January 16 to respond within 10 days to the Private Prosecutor's petition.

¶5. (U) In a separate legal proceeding, the Court of Appeals ordered Smith's attorneys January 18 to respond within 10 days to the Private Prosecutor's petition that the Court issue a warrant for Smith's arrest and dismiss Smith's appeal of the rape conviction.

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